

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Near Space: Legal Aspects of Aerospace Activities (2)

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LIABILITY FOR DAMAGES INDUCED BY THE USE OF AEROSPACE TECHNOLOGY

Abstract

Aerospace technology is the technology that can be applied from air space to outer space or from outer space to air space. It may cover not only the technology related to information acquisition, transmission, processing, and application in air space, near space, and outer space but also the aerospace vehicles and planes and reusable launch vehicles. The frequent use of aerospace technology may inevitably cause damage in air space, near space, and outer space. While current international space law and air law may provide some foundation for liability for damages in outer space and air space, they fail to address the liability for damages in near space due to the lack of demarcation between outer space and air space. The uncertain legal status of near space lays a legal lacuna for addressing the liability issue in near space. Moreover, the rough liability regime in the Outer Space Treaty and Liability Convention cannot address all situations when the use of aerospace technology causes damage in outer space. In addition to a detailed discussion on the liability for damages induced by the use of aerospace technology in outer space and air space, this article provides a provoking analysis of the liability for damages induced by the use of aerospace technology in near space, with the aim of providing a basic framework of the liability regime for damages induced by the use of aerospace technology in air space, near space, and outer space.